

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA

v.

CREIG ALLEN KING,

Defendant.

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Criminal Action No. 5:06-cr-79 (HL)
Appeal No. 08-13286-G

ORDER

This matter is before the Court on limited remand from the United States Court of Appeals for the Eleventh Circuit. Pursuant to the direction of the appellate court, this Court must determine when Defendant, Creig Allen King, delivered his notice of appeal to prison officials for forwarding to this Court.

Pursuant to the standard procedures of this Court, when King's Notice of Appeal was received the Clerk's office scanned the original document and the front of the envelope in which it was received. The scanned copies were then placed on the electronic docket as document 33 and attachment #1 to document 33. The originals of the Notice of Appeal and the envelope were then placed in a file maintained by the Clerk's office. The undersigned has obtained the original envelope from the Clerk's office. Review of the back of the original envelope reveals the following:

FCI/SCP WILLIAMSBURG
P O BOX 230
SALTERS, SC 29590
Date: _____

The enclosed letter was processed through special mail procedures for forwarding to you. The letter was neither opened nor inspected. If the writer raises a problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another address, return the enclosure to the above address

Mail Room Officer

The date of 6/3/08 is handwritten on the date line and the initials BS are handwritten on the mail room officer line. It thus appears to the Court from review of the original envelope that King's Notice of Appeal was delivered to prison officials on or before June 3, 2008.¹

The Clerk is directed to scan the back of the envelope and enter it into the file as a separate document. The Clerk is further directed to supplement the record on appeal with a copy of this Order and the scanned envelope, and to return the record to the United States Court of Appeals for the Eleventh Circuit.

SO ORDERED, this the 29th day of August, 2008.

s/ Hugh Lawson
HUGH LAWSON, JUDGE

mls

¹Although perhaps not relevant to a determination of when the Notice of Appeal was delivered to prison officials, the Court notes that the postmark on the front of the original envelope is quite faint and therefore does not show on the scanned copy that is entered on the docket. Careful scrutiny of the original postmark reveals what could be a letter "N" where the month should be, a number 3, where the day should be, and the year 2008, where the year should be, so that one could construe the postmark to bear the date of June 3, 2008.